

Approved for use through 07/31/2006, CMB 0531-0001  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

Application Number	10763.614
Filing Date	January 23, 2004
First Named Inventor	Carsten Rosenow
Art Unit	1637
Examiner Name	Sirzelecka, Teresa E.
Attorney Docket Number	3394.2

RECEIVED  
CENTRAL FAX CENTER  
JUL 26 2006

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 3

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/  
Incomplete Application
- ☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a  
Provisional Application
- ☐ Power of Attorney, Revocation  
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board  
of Appeals and Interferences
- ☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s)  
(please identify below):  
Response to Restriction Requirement

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Affymetrix, Inc.
Signature	<i>Leticia R. Block</i>
Printed Name	Leticia R. Block
Date	07-26-2006
Reg. No.	50,167

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	<i>Leticia R. Block</i>	Date	07-26-2006
Typed or printed name	Leticia R. Block		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9129 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carsten Rosenow

Serial No: 10/763,614

Filing Date: January 23, 2004

Title: **Methods for Transcription  
Detection and Analysis**

Commissioner for Patent  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Examiner: Teresa E. Strzelecka

Unit No.: 1637

Attorney Docket No.: 3394.2

**RECEIVED  
CENTRAL FAX CENTER**

**JUL 26 2006**

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the June 26, 2006 Restriction Requirement, the Examiner is requiring an election between the following groups of claims:

- I. Claims 1-12, drawn to a method for identifying a transcribed genomic region by providing a nucleic acid derived from genomic transcripts, hybridizing the sample to a plurality of nucleic acid probes interrogating the transcript, and analyzing the hybridization to detect the transcribed region, classified in class 435, subclass 6.
- II. Claims 13-16, drawn to a method for identifying a 5' UTR by providing a nucleic acid derived from genomic transcripts, hybridizing the sample to a plurality of nucleic acid probes interrogating the transcript region upstream from a gene, and classifying the region as potential 5' UTR if the intergenic region is transcribed in the same orientation of the gene and the transcribed region is greater than 70 bp in length, classified in class 435, subclass 6, for example.
- III. Claims 17-20, drawn to a method for identifying a 3' UTR by providing a nucleic acid derived from genomic transcripts, hybridizing the sample to a plurality of nucleic acid probes interrogating the transcript region downstream from a gene, and classifying the region as potential 3' UTR if the intergenic

Serial No.: 10/763,614

region is transcribed in the same orientation of the gene and the transcribed region is greater than 70 bp in length, classified in class 435, subclass 6.

**Applicants elect the invention of Group I (claims 1-12) without traverse.** Applicants reserve the right to re-present non-elected claims in a divisional, or other related application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,

*Leticia R. Block*

Leticia R. Block  
Reg. No.: 50,167

Date: 07-26-2006

Customer Number 22886  
Legal Department  
Affymetrix, Inc.  
3420 Central Expressway  
Santa Clara, CA 95051  
Tel: 408/731-5000  
Fax: 408/731-5392